

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 36641 of 2007(K)

**AGAINST THE ORDER IN IA.8553/07 IN
OS.1312/2006 of I ADDL.MUNSIFF'S COURT, TRIVANDRUM**
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PETITIONER:

**K.J.SARAVANAN MOORTHY,
T.C.20/3155 (OLD T.C.20/3154(1)),
D.B.STREET, KARAMANA P.O., THIRUVANANTHAPURAM.**

**BY ADV. SRI.L.MOHANAN
SMT.LIGEY ANTONY**

RESPONDENT:

**T.INDRAJITH, T.C.20/3154,
D.B.STREET, KARAMANA P.O., THIRUVANANTHAPURAM.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J

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W.P.(C) No.36641 OF 2007

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Dated this the 12th day of December 2007

JUDGMENT

This writ petition is filed challenging the order of the Addl.Munsiff's Court(Rent Control Court), Thiruvananthapuram in I.A.No.8553 of 2007 in O.S.No.1312 of 2006. It is an application filed by the petitioner herein to implead him and Sri.T.Kesavan Chettiar as party to the suit. It is their case that the second petitioner, viz., Kesavan Chettiar is conducting business in the property as a tenant and the right of the landlord has been purchased by Sri.K.J.Saravanan Moorthy as per Document of 2002 and therefore they are entitled to right and possession over the property. The court below did not entertain the petition on the ground that no documents were produced. But now documents are produced. But, unfortunately, it is seen that the suit itself has been decreed ex parte. Therefore no purpose will be served by passing the order to implead them at this stage.

Therefore, I dispose of the writ petition making it very clear that the order passed in I.A.No.8553 of 2007 shall not affect the rights of the present petitioner to move an application for impleadment in the appeal or

WP(C) 36641/2007

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to file an appeal with the leave of the court and the court shall consider it in the light of the documents produced.

M.N.KRISHNAN, JUDGE

Cdp/-